

REMARKS

Claims 8-17 have been rejected under 35 U.S.C. § 112, ¶2, as being indefinite for a couple of reasons, both of which have been obviated in the claims as amended.

Claims 8 and 11 have been rejected under 35 U.S.C. § 102(b) over Richard '941.

Since claim 9 was indicated as containing allowable subject matter in the First Office Action, claims 8 and 9 have been combined into amended claim 8.

Claim 9 has been cancelled.

Claim 12 was rejected under 35 U.S.C. § 102(b) over Grote '763 and Burgin '205.

Since claim 13 was indicated as containing allowable subject matter in the First Office Action, claims 12 and 13 have been combined into amended claim 12.

Claim 13 has been cancelled.

New claim 18 is mostly like original claim 13 but without the lower levelers of parent claim 12. Original claim 13 was indicated as containing allowable subject matter on the First Office Action so it is believed that claim 18 is allowable for similar reasons that original claim 13 contained allowable subject matter. New claim 19 is dependent on new claim 18.

New claim 20 is mostly like original claim 9, but removing the word "upper" before "leveler" and before "stanchions" and removing "pivotally". Original claim 9 was indicated as containing allowable subject matter on the First Office Action. So it is believed that claim 20 will be allowable for similar reasons that original claim 9 was deemed to contain allowable subject matter. In fact, a Notice of Allowability was issued on March 21, 2005 based on the Amendment filed March 7, 2005, and this amendment is only necessary to conform with the

formalities of 37 C.F.R. § 1.173 as indicated by Examiner Thompson in a telephone call of May 19, 2005.

Attached hereto as "extra pages" is a 7 page document entitled "Explanation of Support for Claim Changes in Separate Paper Required by 37 C.F.R. § 1.173(b)(3)(c)" which is a photo copy of the "AMENDMENTS TO THE CLAIMS" but with handwritten notes showing the support in the specification and drawings of the original patent for the claim recitations added since the original Reissue Application was filed. Only sheets 1, 3, 5, 6 and 7 have newly added recitations which required any explanation, so sheets 2 and 4 have no handwritten notes thereon.

Also attached is a SUPPLEMENTAL DECLARATION which Examiner Thompson said was needed when he called the undersigned attorney on May 19, 2005.

Accordingly, since all remaining claims 1-8, 10-12 and 14-20 are believed to be clearly allowable, a notice to that effect is respectfully submitted.

Respectfully submitted,

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May 26, 2005
Date

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 Explanation of support for claim changes in
 Separate paper as required by 37 C.F.R. § 1.173(b)(3)

AMENDMENTS TO THE CLAIMS

Claims 1-7 (allowed)

8. (Amended) A tree stand, for use on a tree, comprising:
 a seat support disposed generally along a longitudinal axis;
 a strapping mechanism operatively attached to the seat support member for operatively
 attaching the seat support to a tree;
 a seat operatively attached to a top portion of the seat support;
 a platform operatively [(pivotal)] attached to a bottom portion of the seat support, said
 platform having a top portion for permitting a person to stand thereon;
 at least one member operatively attached to the seat support and to the platform to hold
 the platform transversely disposed with respect to the longitudinal axis of the seat support;
 an upper leveler mechanism operatively attached to said seat support and [to] engageable
 with said tree for adjusting the position of the seat support between a first position and a second
 position with respect to the tree, said first position being closer to the tree than the second
 position thereof; [and]

wherein said upper leveler mechanism includes a first and second sleeve and a respective
 first and second upper stanchion each mounted for selective movement within the respective first
 and second sleeve, each of the first and second sleeves being operatively attached to the seat
 support, the first and second upper stanchions each being independently adjustable with respect
 to a respective first and second sleeves to accommodate varying contours of the tree; and

Figs.
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Previous
in
original
claim
9.

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a lower leveler mechanism including left and right side structural members, each being operatively attached to said platform for independently adjusting the position of a respective left and right rear portion of the platform between a first lower leveler mechanism position and a second lower leveler mechanism position with respect to the tree, wherein the first lower leveler mechanism position is closer to the tree than the second lower leveler mechanism position thereof whereby the platform can be leveled with respect to the left and the right side thereof; [and]

a left and right side locking mechanism of the respective lower leveler mechanism members for selectively and operatively locking the respective lower leveler members in a selected one of the first or second lower leveler mechanism positions thereof;

members operatively attached to left and right sides respectively of an upper portion of the seat support and to the platform for holding the top portion of the platform transversely disposed with respect to the longitudinal axis of the seat support;

an upper leveler mechanism operatively attached to said seat support and to said tree for adjusting the position of the seat support between a first upper leveler mechanism position and a second upper leveler mechanism position with respect to the tree, said first upper leveler mechanism position being closer to the tree than the second upper leveler position thereof whereby the platform can be leveled with respect to the front and the back thereof; and

a locking mechanism for the upper leveler mechanism for selectively and operatively locking the upper leveler mechanism in a selected one of the first or second positions thereof.

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in
original
claim
13.

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13. (Cancelled)

14. (Amended) The tree stand of claim [13] 12 wherein said upper leveler mechanism includes a first and second sleeve and a respective first and second upper stanchion each mounted for selective sliding movement with respect to the respective first and second sleeve, each of the first and second sleeves being operatively attached to the seat support, the first and second upper stanchions each being independently adjustable with respect to a respective first and second sleeves to accommodate varying contours of the tree.

15. (Original) The tree stand of claim 14 including an independent locking mechanism for each sleeve whereby the first stanchion can be in a different locked position with respect to the second stanchion.

16. (Original) The tree stand of claim 15 wherein the independent locking mechanism can be used to lock the first stanchion with respect to the sleeve in more positions than just said first and second positions thereof.

17. (Original) The tree stand of claim 10 wherein the independent locking mechanism can be used to lock the first stanchion with respect to the sleeve in more positions than just said first and second positions thereof.

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18. (New) A tree stand, for use on a tree, comprising:
a seat support¹⁴ disposed generally along a longitudinal axis, said seat support having a top
portion and a bottom portion;
a strapping mechanism⁸⁰ operatively attached to the seat support member for operatively
attaching the seat support to a tree;
a seat⁷⁰ operatively attached to the top portion of the seat support;¹⁴
a platform²⁰ operatively attached to a bottom portion of the seat support;¹⁴ said platform
having a top portion for permitting a person to stand thereon, a front portion, a rear portion, a
first side and a second side, said rear portion having a left side and a right side;
members⁵⁰ operatively attached to left and right sides respectively of an upper portion of
the seat support¹⁴ and to the platform²⁰ for holding the top portion of the platform transversely
disposed with respect to the longitudinal axis of the seat support;
an upper leveler mechanism³⁰ operatively attached to a portion of said seat support and
being disposed a substantial distance above the bottom of the seat support¹⁴; said upper leveler
mechanism being engageable with said tree for adjusting the position of the top portion of the
seat support¹⁴ between a first upper leveler mechanism position and a second upper leveler
mechanism position with respect to the tree, said first upper leveler mechanism position being
closer to the tree than the second upper leveler position thereof whereby the platform can be
leveled with respect to the front and the back thereof; and
a locking mechanism^{Fig. 2: 35, 36, 38} for the upper leveler mechanism for selectively and operatively
locking the upper leveler mechanism in a selected one of the first or second positions thereof.

Like
original
claim
8.

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19. (New) The tree stand of claim 18 wherein said upper leveler mechanism includes
at least one sleeve³⁴ operatively attached to the seat support¹⁴ and at least one stanchion³⁰ receivable
within said at least one sleeve³⁴, said stanchion³⁰ being mounted for selective movement within the
sleeve³⁴.

20. (New) A tree stand, for use on a tree, comprising:
a seat support¹⁴ disposed generally along a longitudinal axis;
a strapping mechanism⁸⁰ operatively attached to the seat support member¹⁴ for operatively
attaching the seat support¹⁴ to a tree;
a seat⁷⁰ operatively attached to a top portion of the seat support;
a platform²⁰ operatively attached to a bottom portion of the seat support, said platform
having a top portion for permitting a person to stand thereon;
at least one member⁵⁰ operatively attached to the seat support and to the platform to hold
the platform transversely disposed with respect to the longitudinal axis of the seat support;
a leveler mechanism^{(32, 30, 34) or (22, 42, 40)} operatively attached to said seat support and engageable with said
tree for adjusting the position of the seat support between a first position and a second position
with respect to the tree, said first position being closer to the tree than the second position
thereof;

Figs. 4 &
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wherein said leveler mechanism includes a first and second sleeve^{34 or 22} and a respective first
and second stanchion^{32 or 42} each mounted for selective movement within the respective first and
second sleeve^{34 or 22}, each of the first and second sleeves being operatively attached to the seat support,

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32 or 42

the first and second stanchions each being independently adjustable with respect to a respective

34 or 22

first and second sleeves to accommodate varying contours of the tree; and

35, 36, 38 of Fig. 2 or the holes and pins of Fig. 6
a locking mechanism for selectively and operatively locking the leveler mechanism in a

selected one of the first or second positions thereof.

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**SUPPLEMENTAL DECLARATION
FOR REISSUE
PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT
(37 CFR 1.175)**

| | |
|------------------------|-------------------|
| Attorney Docket Number | 2-5695-004 |
| First Named Inventor | Anthony J. Muhich |
| COMPLETE if known | |
| Application Number | 10/718,510 |
| Filing Date | November 20, 2003 |
| Art Unit | 3634 |
| Examiner Name | Hugh B. Thompson |

We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|--|------------------------|---|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor |
| Given Name (first and middle (if any)) | Family Name or Surname | |
| Anthony J. | Muhich | |
| Inventor's Signature | Date | |
| Anthony J. Muhich | 5-25-05 | |
| Name of Second Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor |
| Given Name (first and middle (if any)) | Family Name or Surname | |
| | | |
| Inventor's Signature | Date | |
| | | |
| Name of Third Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor |
| Given Name (first and middle (if any)) | Family Name or Surname | |
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| Inventor's Signature | Date | |
| | | |
| Name of Fourth Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor |
| Given Name (first and middle (if any)) | Family Name or Surname | |
| | | |
| Inventor's Signature | Date | |
| | | |

☐ Additional inventors or legal representatives(s) are being named on the _____ supplemental sheets PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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